



Department of Employee Relations

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Summary of Changes to Chapter 350, Pay Provisions of the Salary Ordinance, and Civil Service Rules for general city employees and civilian personnel in the Fire and Police departments.

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This document summarizes the changes to the Civil Service Rules, Chapter 350 of the Milwaukee Code of Ordinances, and pay provisions from the Salary Ordinance approved by the Common Council in December of 2011 and January of 2012. The document has been prepared to provide information to employees in a concise and “user friendly” manner. Should any conflict exist between language included and the actual authority for the benefit or policy, the information from the Milwaukee Code, Salary Ordinance, and Civil Service Regulations will prevail. Reference to the appropriate Code, Salary Ordinance, or Civil Service Rule is provided where applicable. Civil Service rules, procedures or policies identified do not apply to employees of the Fire and Police departments.

I. Chapter 350 Changes

a. Accrued Time-off Donor Program (Chapter 350-45)

This Program was expanded and all city employees are eligible to participate. This is a program administered by the Department of Employee Relations to provide income protection to eligible employees who have exhausted all paid leave who are suffering from a terminal or catastrophic illness and are unable to work full-time. Leave that can be donated includes vacation, compensatory time, and time-off in lieu of holiday. Any donated time will not be returned to employee if not used.

b. Change in Shift – Departments with multiple shifts (Chapter 350-1)

For departments that have regularly-scheduled multiple shifts, employees who are provided with less than 48 hours notice of a change in shift shall receive overtime for all hours worked during the subsequent 48-hour period.

c. Direct Deposit (Chapter 350-204)

All employees who are capable of maintaining a financial relationship with a banking institution should now be participating in direct deposit.

d. Funeral Leave (Chapter 350-35)

In the case of a death in the immediate family, an employee working a regular or alternative work schedule may be granted a leave of absence not to exceed 3 8-hour work days with pay. These work days shall be limited to work days falling within the 10 consecutive calendar-day period that begins on the day of death. One day with pay may be used to attend the funeral of a grandparent of the employee. If funeral leave coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

e. Holiday and Overtime Policies (Chapters 350-1, 350-3 and 350-4)

Overtime means authorized hours worked in excess of 40 in a work week and all work performed on a Holiday.

Time worked means the hours worked during scheduled work periods, all holiday hours paid but not worked and all furlough hours not worked.

All overtime is compensated at time and one-half the rate at which it was earned. Department Heads shall determine if OT is to be paid in cash or compensatory time. If OT is to be Compensatory Time off employees need to be notified in advance. If employees are not notified in advance OT shall be paid in cash. All earned overtime shall be paid as cash upon separation.

f. Hours of Labor (*Chapter 350-209*)

Department Heads shall determine hours of work but the basic workday of all employees of the city shall consist of 8 hours in a calendar day. As far as it is practicable, this workday shall conform with the established hours of business. This shall not interfere with special time schedules governing departments operating more than 8 hours in each calendar day, nor shall this provision for an 8-hour day be construed as prohibiting the creation of part-time employment or the establishment of rotative, staggered or shortened work periods.

The service week shall be limited to 5 days employment or duty per week. In general the days on which employees shall not be required to work shall be Saturdays and Sundays. If the regular schedule of departmental operation requires work on those days, this work shall not be considered overtime work, and the employee shall be entitled to time-off during such periods as the department may designate.

g. Injury Pay (*Chapter 350-37*)

When a non-probationary employee sustains an injury while within the scope of employment, the employee shall receive 66.67% of full salary as injury pay in lieu of worker's compensation for the period of time the employee is temporarily, totally or temporarily partially disabled because of the injury, not to exceed 250 working days during an employee's career with the City.

h. Private Transportation Reimbursement (*Chapter 350-183*)

Proper city officers are authorized to reimburse city officials and employees occupying positions designated in the positions ordinance as being eligible to be paid for the use of their private automobiles on city business when at the discretion of the department head it is necessary that such automobiles be used on city business. Departments shall adhere to the administrative guidelines for automobile and travel allowance.

The authorized employee or official incurring mileage on his or her private automobile in the conduct of official business for the city shall submit a record of mileage incurred on city business during the month and attest to the accuracy of the mileage through the online program "City Time" and comply with a specific timetable for entering the data and for approval by the department head or designee that has been provided by the comptroller's office. The applicable rate for mileage shall be the IRS travel reimbursement rate.

i. Sick Leave (*Chapter 350-37*)

Eligible employees accrue 3.7 hours of sick leave for each two weeks of service up to a maximum of 960 hours. Employees who have accumulated a balance of greater than 960 hours as of January 1, 2012, shall be allowed to retain their balance but shall not be granted additional leave until their balance falls below 960 hours.

Employees are eligible to use accrued sick leave (no waiting period for new employees).

Time spent and charged to "069 time" is limited to three two hour occurrences during a calendar year.

At any point during the employee's use of sick and disability leave, the department head may require a statement from a private physician or dentist certifying the nature and seriousness of the sickness or pregnancy-related disability, or a certificate of an authorized and recognized Christian Science practitioner certifying that the employee is under Christian Science treatment.

j. Terminal Leave (*Chapter 350-38*)

An employee who is eligible for terminal leave compensation shall upon retirement be entitled to a lump-sum payment equivalent to one 8-hour work shift's base pay for each one 8-hour work shift equivalent of the employee's earned and unused sick leave up to a maximum of 30 8-hour work shifts of pay except as otherwise required by law.

k. Uniform and Clothing Allowance and Safety Shoe Allowance (*Chapters 350-90 and 350-94*)

The heads of all departments providing or requiring uniforms or uniform allowances shall establish uniform and equipment requirements and specifications, determine items to be provided to employees, and requisition these items through procedures established by the department of administration, and establish procurement and inspection procedures for their respective departments.

All equipment directly paid for out of city funds shall remain the property of the city and shall be properly cared for by the individual to whom issued and shall revert to the respective city department upon the employee's severance from service.

The need for and timing of uniform replacement is at the discretion of the respective department head. Items damaged or destroyed in the line of duty shall be replaced or the employee compensated at the discretion of the department head.

Safety Shoe Allowance - \$130 annual reimbursement.

Safety Glasses Allowance – shall be provided to all full time employees as required by OSHA and recommended by the American National Standards Institute.

1. Vacation (*Chapter 350-40*)

Time Earned: full time employees shall earn vacation time on an annual pay period basis instead of on a monthly basis. Under the old system, the monthly accrual rate was based upon the number of years of service and was calculated from the frozen anniversary date for the next vacation-usage year. The change is to a biweekly accrual based upon the time paid in the pay period. Employees shall be eligible to receive vacation benefits immediately upon employment.

“09” time: the accrual rate summarized below includes the amount formerly accrued for vacation plus the “09” (personal day) time.

Hours Earned per Pay Period	Years of active service: <i>time spent on the payroll (including military leave and furlough time) in a position qualifying for fringe benefits.</i>	Maximum Vacation Balances
3.7	Less than 4	176 hrs
5.3	At least 4 but less than 9	216 hrs
6.8	At least 9 but less than 14	256 hrs
8.4	At least 14 but less than 21	296 hrs
9.9	At least 21	336 hrs

“TVA”: a “transitional vacation account” will be established for eligible employees to preserve vacation earned by employees under the monthly accrual system. TVAs will include all hours of vacation earned in 2011 for use in 2012, plus all 2011 vacation earned but not used. TVAs will be calculated by applying the current monthly vacation rate to the number of service months from each employee's Frozen Anniversary Date (FAD) through Pay Period 26, 2011. In addition, 2012 carryover vacation will be added to this amount. TVA hours may be scheduled and used as vacation hours, with the approval of the department head. There is no current time limit for using up the TVA balance. Note: *this language does not apply to employees formerly represented by DC 48 in the Comptroller's Office.*

Vacation balances in PP 1 of 2012: Regular vacation balances (non TVA balances) at the beginning of 2012 will start at 0 hours as of pay period 1 of 2012.

Borrowing vacation: an employee may borrow up to 80 hours of vacation before it is earned at the discretion of the department head. Departments have the discretion to determine if going negative will be allowed if the employee has a TVA balance. In no case may an employee's vacation account balance be less than 80 negative hours.

Carry-over and maximum vacation balances: While the concept of carryover vacation is gone and there is no actual carryover cap, employees who reach the maximum amount of vacation that can be banked will stop accruing vacation until some vacation is used.

Vacation benefits at time of separation: vacation taken before the full amount has been earned shall be considered time owed the city until it is earned. Any employee who leaves the service of the city due to resignation, retirement, termination, discharge, layoff or death will have the compensation for vacation time owed the city deducted from the final paycheck. Any employee who leaves the service of the city due to resignation, retirement, layoff or death or who takes military leave will be paid for earned vacation time that has accumulated. Employees eligible for payment of earned vacation upon separation from city service shall be paid in cash for such earned vacation.

m. Parking (*Chapter 350-188*)

Assistant City Attorneys shall receive parking paid for and secured by the City.

Police Administration Employees shall be reimbursed for parking expenses up to \$125 per month, or the actual monthly costs paid by the employees.

n. Tuition Benefit (*Chapter 350-206*)

Tuition benefits shall be \$1,200 per calendar year. The following provisions apply:

Up to \$600 of tuition benefits per calendar year may be used for job or promotion related certifications and license fees. Up to \$1,200 in tuition benefits per calendar year may be used for job-related membership dues. Police aides shall be eligible for a combined maximum of \$2,400 during the first 2 calendar years of employment. The department of employee relations shall establish guidelines for the administration of tuition benefits.

II. Salary Ordinance Part I and Part II

The 2012 Salary Ordinance is organized by sections representing Equal Employment Opportunity (EEO) Job Categories. Within the applicable Sections, pay ranges designate whether the positions are exempt or non-exempt under the Fair Labor Standards Act (FLSA). Non-exempt positions are subject to the recordkeeping and overtime provisions of the FLSA.

New pay ranges within each section have been created. Pay steps within the new pay ranges are not specified. Since wages for 2012 have been frozen, there is no salary advancement provisions included in the 2012 Ordinance. Employees will be placed in new “open” pay ranges at their current rates of pay. No employee’s current pay rate will be increased or decreased by placement into a new pay range. Placement into a new pay range is not considered a transfer, promotion, reclassification or reallocation.

All employees will receive a new salary anniversary date after promotion.

All salary adjustments after promotion, except as otherwise authorized for promotions into positions designated as “Leadership”, shall be the greater of: 5% above the rate received prior to the promotion, the minimum of the new pay range, or the footnoted recruitment/appointment rate, when applicable.

Supplemental pay practices formerly included in collective bargaining agreements and the Milwaukee Code of Ordinances are included in the Salary Ordinance.

Section 11: Supplemental Pay Practices for Eligible Employees

a. Holiday Hours Worked: all hours worked on a holiday by an eligible non-exempt FLSA employee shall be considered overtime as provided for under Chapter 350-3 of the Milwaukee Code of Ordinances.

Employees working on a Holiday shall not be eligible for shift differential for the hours worked on a Holiday.

b. Interpreter pay: Employees of the Municipal Courts shall be eligible for a premium of \$1 per hour while performing interpreter duties (Spanish to English and vice versa) during court proceedings. Eligibility for interpreter pay provisions for positions outside of the Municipal Court is subject to approval from the Common Council.

c. On-Call Pay: Employees holding positions designated as non-exempt from FLSA required by the department to be on a mandatory on-call rotation to respond to emergencies shall be paid \$15 per 24-hour regularly scheduled workday and \$36 for regularly scheduled off days, holidays, or furlough days. If employees are required to be on-call for a period less than 24 hours, the amounts shall be prorated. This benefit shall not apply to employees in the Department of Public Works performing snow or salting operations.

An employee who is on a mandatory on-call assignment must be available to work and be able to report to work within a short timeframe as established by the department. An eligible employee on an authorized on-call assignment who is called into work shall be compensated at straight time or overtime in accordance with applicable overtime policies.

d. 12-Hr Differential Compensation: Employees holding positions designated as non-exempt under FLSA shall be eligible for a twenty five cent (\$.25) premium per hour to be added to the employee's base salary for any continuous time worked in excess of twelve or more consecutive hours.

e. Reporting Pay (Call-In/Show-Up Pay): Employees holding positions designated as non-exempt from FLSA who are required to report to work for an emergency overtime assignment at the direction of a competent authority on an off day or outside of their regular work hours, and who are officially excused before completing 2 hours of work shall receive straight time cash compensation for the difference between the actual amount of time worked and 2 hours. The difference between the actual amount of time worked and hours paid shall not be credited as hours worked. The following employees are not eligible for this benefit, and instead shall be credited with a minimum of one (1) hour of work when required to report to perform certain duties:

- Eligible employees in the Department of City Development, Housing management Division, who are required to unlock doors for tenants
- Eligible employees assigned to the Library Maintenance Department who report for authorized call-ins to unlock or lock doors

f. Shift Differential: Employees holding positions classified as non-exempt under the FLSA whose hours of work occur between the time period beginning at 5:00 p.m. and ending at 5:00 a.m. shall receive, in addition to base salary, a shift differential of \$.45 per hour. To be eligible for shift differential, the employee shall be required to work not less than 4 hours of his or her regular workday within this time frame, and when the employee satisfies that requirement, the employee's entire workday shall be compensated at a rate that

includes the shift differential. Eligible employees in the Department of Public Works whose workday begins after 1:00 a.m. and before 4:00 a.m. shall be eligible to receive the shift differential for all hours worked.

Shift differential shall be paid for all hours for which an employee would have received a regular shift assignment but for the fact that the employee was on vacation, holiday, sick leave, or funeral leave. In no case shall an employee receive both shift and weekend differential rates for the same hours worked. Shift and weekend differential shall be paid for no more than 40 hours worked, including holidays.

g. Snow and Ice Control Operations: bonus payments for support personnel in the Operations Division, Fleet Services Section who work during Snow and Ice Control Operations. Support personnel in the Operations Division, Fleet Services Section shall receive a one (\$1) dollar per hour premium for all time worked in excess of eight (8) hours in one 24 hour day worked during snow and ice control operations. These bonus payments shall also be paid to support personnel in the Fleet Services Repairs Unit at the Central Repair Garage for all time worked in excess of eight (8) hours in one 24 hour day worked repairing snow plow blades and to Repairs Unit personnel time worked in excess of eight (8) hours in one 24 hour day worked on a snow related assignment during the winter season. These support personnel shall be Operations Division employees in the Fleet Services Section, Stock Room or Tire Shop employees in the Administration Section or Garage Attendants, Garage Custodians, Field Service Mechanics, Communications Assistants III or IV in the Operations Section, or Driving Training Instructors.

h. Weekend Differential: Employees holding positions classified as non-exempt under the FLSA shall receive fifty cents (\$.50) per hour for regularly scheduled Saturday work and sixty cents (\$.60) per hour for scheduled Sunday work. In no case shall an employee receive both shift and weekend differential rates for the same hours worked. Weekend differential shall be paid for all hours for which an eligible employee would have received the differential but for the fact that the employee was on vacation, holiday, sick leave, or funeral leave. Shift and weekend differential shall be paid for no more than 40 hours worked, including holidays.

III. Miscellaneous Changes

a. **CSC Rules: Leave Administration and Reinstatement**

Except for vacancies resulting from leaves of absences taken by employees pursuant to the state or federal Family and Medical Leave Acts (Wis. Stat. 103.10 and 29 U.S.C. et. seq.), any position made vacant by reason of the taking of a leave of absence on the part of a regularly appointed employee may be filled by regular appointment if the leave is more than one month in duration.

A person returning from leave of absence taken because of illness or disability or returning from a leave of absence taken pursuant to the state or federal Family and Medical Leave Act, as described in paragraph a., shall be reinstated forthwith where such leave of absence is of one month or less duration or the period of time taken pursuant to the state or federal Family and Medical Leave Act. In all cases in which a person shall return from a leave of absence taken for other reasons, as described in paragraphs b. and d., the person shall be reinstated forthwith where such leave of absence is of one month or less duration. When a leave of absence exceeds one month or exceeds the periods allowed under the state or federal Family and Medical Leave Acts, and the vacancy has in the meantime been filled by a regular appointment, the regularly appointed employee shall not be displaced, but the person returning from said leave of absence shall be eligible for appointment to such vacancies as may occur in the order of preference as above set forth.

b. **Changes to Pay Policy for Time Not Worked Due to Inclement Weather**

When departmental operations are maintained and employees either arrive late or are allowed to leave early, the following pay policies apply:

FLSA nonexempt employees may use vacation, "Comp Time," or take the time off without pay for time not worked. FLSA exempt employees cannot have a pay deduction for a partial day absence and may use the "flexible schedule" provision established by Chapter 350-5 of the Milwaukee Code of Ordinances for time not worked. These employees may also elect to use vacation or "comp time", if the hours are available.

When non-essential City operations are shut down by the Mayor the following pay policies apply. (Note: The determination as to the personnel and/or activities deemed non-essential rests with the Department Heads).

FLSA-non exempt employees who report to work prior to the announcement that City operations are shut down shall be paid for all time actually worked or shall be credited with two hours of pay, whichever is greater. Regularly scheduled straight-time hours not worked because of the shut down shall be charged to vacation, compensatory time, or taken off without pay. On inclement weather days, when partial time is allowed for reporting to work, employees who call in sick will be granted sick leave time in the amount equivalent to the actual time allowed for those reporting to work. However, employees who were on sick leave the previous day or who provide a doctor's certificate will be allowed full sick leave for that day.

FLSA exempt employees who report to work prior to the announcement that City operations are shut down or who are released before the end of the work day cannot have a pay deduction for a partial day absence. These employees may elect to use vacation or any "comp time" balance available to them or may use the "flexible schedule" provisions established under Chapter 350 of the Milwaukee Code as determined by the Department Head. Full day absences due to a shut down are to be charged to vacation or comp time balances available to employees.

c. Disciplinary Grievance Procedure (*Chapter 350-241*)

A new Disciplinary Grievance procedure is created applicable to regularly appointed City of Milwaukee employees who receive disciplinary actions that are not appealable to the Board of City Service Commission. Under Wisconsin State Statute 63.43, an employee receiving a suspension exceeding fifteen working days or two or more suspensions within a six month period can appeal to the City Service Commission. Only written warning notices and disciplinary suspensions without pay that fall outside those that can be appealed to the Commission may be subject to this Grievance Procedure. This Procedure is not intended to give rights or protections to employees not covered by Commission rules including those who do not hold regular appointments under City Service Commission rules. This Procedure does not apply to employees of the Fire and Police Departments.

d. Chapter 340 Meet and Confer Language and other related provisions

New Milwaukee Code of Ordinances provisions were created under Chapter 340 regarding the roles and responsibilities of the Department of Employee Relations (DER) and City departments in support of the fundamental interest in the development of harmonious and cooperative relationships between city government and its employees.

DER is responsible for entering into discussions with employee representative groups for the settlement of employee complaints and establishing policies and procedures necessary for the creation of positive, productive and efficient workplaces. DER shall meet and confer with employees and employee groups, including currently and previously-certified employee groups, for the purpose of communicating, soliciting and exchanging information, views, ideas and interests concerning wages, hours, and other conditions of employment. DER shall provide, if requested, written documents to employee representative groups of any jointly-recommended changes to be heard or acted upon by the common council and establish the use of seniority for vacation selection, job-picking assignments and other assignments that provide for premium payments where this

process is used and where no operational disruptions are created. Finally, DER has the authority to oversee and resolve all complaints raised by employees.

City departments are expected to communicate departmental rules, and procedures with employees and employee representative groups and provide reasonable notice of changes to work rules, practices or policies; engage employees and employee representative groups in the city's decision making processes concerning relevant personnel matters and operational issues by soliciting their input and feedback when appropriate, and identifying and communicating procedures available to employees and employee representative groups who allege that a departmental policy, rule or procedure has not been properly applied.

a. Workplace Safety Grievance Procedure (*City Service Rule XIX*)

A new Workplace Safety Grievance Procedure is created to allow employees to identify, document and report safety related concerns that present a threat of injury or illness and to allow managers, supervisors, and/or Safety Officers to address those concerns in a timely and expeditious manner. This Grievance Procedure was adopted pursuant to Civil Service Commission Rule XIX. This Grievance Procedure is administered by the Department of Employee Relations.